THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.7865 of 2007

Dt:17.04.2007

Between:

N.G.O.Co-op. House Building.

.. Petitioner

and

The Deputy Registrar of Co-operative Societies, Kadapa, Kadapa District and others.

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.7865 OF 2007

ORDER:

The petitioner challenges the order, dated 06.12.2006, passed by the A.P.Co-operative Tribunal, Hyderabad, refusing to condone the delay of 2181 days in filing an appeal against the award, dated 15.06.2000, in A.R.C.No.21/1999-2000 passed by the first respondent.

The petitioner is a co-operative house building society. The third respondent is its member and was allotted plot No.122. However, the allotment was cancelled and the said plot was transferred to the 4th respondent, a non-member. The third respondent filed A.R.C.No.21/1999-2000 before the first respondent. The petitioner was impleaded as respondent No.1 and the 4th

respondent was impleaded as respondent No.2. After hearing all the parties, the first respondent passed the award, dated 15.06.2000, setting aside the sale in favour of the 4th respondent and upholding the title of the third respondent over the said plot. A direction was issued to the petitioner to pay the sale consideration to the 4th respondent. The appeal against the award was presented with the delay of 2181 days and I.A.No.591 of 2006 filed for condonation thereof was dismissed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Co-operation.

Most of the grounds urged by the petitioner before the Tribunal in I.A.No.591 of 2006, are on the merits of the matter. Hardly any explanation, worth its name, was offered about the delay of 2191 days and as to how, it was prevented from pursuing the remedy. The reason stated for such an enormous delay was that the petitioner was under the *bona fide* impression that the 4th respondent would carry the matter in appeal and as and when notices are received therein, it can put forward its contention.

It is ununderstandable as to how the petitioner waited for such a long time. Under the award, in question,

it is only the petitioner that was directed to refund the consideration to the 4th respondent. The 4th respondent did not suffer much of the detriment, because the consideration was directed to be refunded to her. Being a non-member and purchaser of the plot, she could not have expected a better course than that. Having suffered a decree, for payment of the sale consideration, the petitioner did not move in the matter. The delay is more than six years. The Tribunal had appreciated the matter from the proper perspective and this Court does not find any basis to interfere with the same.

Hence, the Writ Petition is dismissed. There shall be no order as to costs.

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17.04.2007

JSU